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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,266	04/08/2004	Tae-Il Yoon	51821/DBP/Y35	8622
23363	7590	04/10/2006	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			GUHARAY, KARABI	
PO BOX 7068				
PASADENA, CA 91109-7068			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/821,266	Applicant(s) YOON ET AL.	
	Examiner Karabi Guharay	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on election, filed on 2/3/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 21-35, 37 and 39-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 36 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/8/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### ***Election/Restrictions***

Applicant's election of Group I, including claims 1-20, 36 & 38, in the reply filed on 2/3/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 21-25, 37, 39-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informalities:

(1) In "Brief description of the drawings" section, Fig 8 & Fig 9 are described as "a conventional field emission display" however, in the detailed descriptions, Fig 8 & Fig 9 are the illustrations of embodiments of present invention. Appropriate corrections are required.

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(2) On page 7, line 28, the droplet is designated with # 14, while in line 29, the droplet is designated with # 4.

(3) #14 shown in Fig 3 should be described properly in the specification.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-10, 12-16, 18, 36 & 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Mao et al. (US 6897603).

Regarding claims 1-3, 5, 8-10, 14-16, 18 & 36, Mao et al. disclose a carbon-based composite particle for an electron emission device (Fig 4G & Fig 7) comprising an aggregate of carbon-based composite particle (202,705) each comprising a particle comprising a material selected from the group consisting of metals oxides, ceramic materials (nano-particle of alumina with metals such as copper) and a carbon based material (CNT 410 of Fig 4G) is partially embedded (root of the grown carbon nanotube) and which is partially protrudes from the surface of the particle (see Fig 4G, lines 21-31 of column 2, & lines 5-6 of column 5).

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Regarding claim 38, examiner notes that the claim limitation of electron emission source is prepared by print coating the composition" is drawn to a process of manufacturing, which is incidental to the claimed apparatus.

Even though product by process claims are limited by and defined by the process, determination of patentability is based on the product. It is well established that a claimed apparatus cannot be distinguished over the prior art structure by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject process limitation is not afforded patentable weight (see MPEP 2113).

Regarding claims 6-7, 12-13 & 19-20, Mao et al. disclose that the surface of the electron emission source has a surface roughness of between 1nm to 10 microns (lines 18-21 of column 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 11 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao et al. (US 6897603).

Regarding claims 4, 11 & 16 Mao et al. disclose all the limitations of above claims except for the limitation of CNT occupies at least 30% of the surface of the composite particle. However, Mao et al. disclose that by using copper as the catalytic material,

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density distribution of CNT growth can be controlled (lines 61 of column 1 to line 4 of column 2). Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have CNT growth on at least 30% of the surface area of the nanoparticle since it has been held that discovering an optimum value of a result, effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

#### ***Other Prior Art Cited***

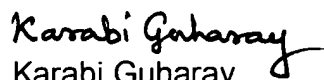
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure : Nishino et al. (US 6835330) ; Den et al. (US 6628053); Umera et al. (US 6239547).

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (571) 272-2452. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Karabi Guharay  
Primary Examiner  
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